

Legislative Ethics Board

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COMPLAINT 2020 – No. 4

In re Kraft
April 30, 2020

ORDER OF DISMISSAL – LACK OF REASONABLE CAUSE

I. NATURE OF COMPLAINT

The complaint alleges that the testimony Respondent, Rep. Vicki Kraft, provided on HB 1082 during the 2019 legislative session and HB 2291 during the 2018 session was false, misleading and constituted racial profiling. No provision of the Ethics in Public Service Act (Act) is cited in support of the claims of unethical behavior.

II. JURISDICTION

The Board has personal and subject matter jurisdiction over the Respondent.

III. PROCEDURAL HISTORY

The complaint was received by Board counsel on March 4, 2020.

IV. FINDINGS OF FACT

There is reasonable cause to believe the following are the pertinent facts of the case:

1. The Respondent is a member of the House of Representatives representing the 17th legislative district in southwestern Washington.
2. The Complainant is a resident of Vancouver, Washington and is married to a Chinese massage therapist.
3. During the 2018 session, Respondent sponsored HB 2291 which would have required a licensed massage therapist or a certified reflexologist to have government-issued photo identification that bears the same name as his or her massage therapy license or reflexology certification whenever he or she practices massage therapy or reflexology.

4. Respondent testified in support of this bill before the House Health Care and Wellness Committee on January 10, 2018 and the Senate Health and Long Term Care Committee on February 22, 2018.
5. In her testimony, Respondent testified that some persons masquerade as legitimate massage therapy or reflexology businesses but they are really engaged in prostitution. As a result, these businesses are taking and damaging young girls and forcing them into a lifestyle that is not appropriate or lawful.
6. During the 2019 session, Respondent sponsored HB 1082 which would have required licensed massage therapists and certified reflexologists to have government-issued photo identification on their person or immediately available for inspection when practicing massage therapy or reflexology.
7. Respondent testified in support of this bill before the House Committee on Health Care and Wellness on January 25, 2019.
8. In her testimony, Respondent stated that this bill addresses organizations that appear to be massage or reflexology establishments but are in fact part of a sex trafficking operation. She further testified that the bill would help law enforcement and Department of Health officials better determine whether a massage therapist or reflexologist is a legitimate certified practitioner.
9. On March 27, 2019, the Senate Health and Long Term Care Committee heard HB 1082 and the Complainant testified against the bill.
10. He testified that the basis for the bill – sex trafficking occurring out of massage or reflexology businesses – was absolutely false.
11. In none of Respondent’s testimonies did she ever mention any specific ethnic group or groups that her bill was intended to or might impact.

V. CONCLUSIONS OF LAW AND ANALYSIS

The Act defines “official duty” as those duties within the specific scope of an official’s employment as defined by the agency, or by statute, or by the state constitution. RCW 42.52.010(2). Introducing and lobbying for the passage of legislation is at the heart of legislative activity. *In re Reykdal*, 2016 – No. 14; *In re Caldier*, 2018 – No. 3. Promoting or advocating for one’s legislation is clearly within the scope of a legislator’s official duties. *In re Kuderer*, 2019 – No. 7.

Sponsoring HB 2291 and HB 1082 and testifying in support of those bills is clearly within the Respondent’s official duties. That Complainant disagreed with her bill and voiced his disagreement by testifying against the bill, which he did.

VI. CONCLUSION AND ORDER

The Board finds no reasonable cause to believe the Respondent violated any provisions of the Act as alleged in this Complaint.

IT IS HEREBY ORDERED that this complaint be dismissed.

Eugene Green
Eugene Green
Chair

DATE: APRIL 30, 2020